

been added, and support for these amendments can be found throughout the specification as filed, for example, on page 3, lines 7-11. See *In re Johnson*, 194 U.S.P.Q.2d 187 (CCPA 1977). Applicants are merely claiming less than the full scope of their disclosure.

Applicants respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 53-67 and 82-99 in condition for allowance. Applicants submit that the proposed amendments of claims 53 and 68 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Applicants submit, furthermore, that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

#### **WITHDRAWN OBJECTIONS AND REJECTIONS**

Applicants respectfully acknowledge the Examiner's withdrawal of the objections to the priority document and the Information Disclosure Statement. Final Office Action at 2. Applicants also respectfully acknowledge the Examiner's withdrawal of the rejection of claims 53, 56-57, 83 and 86-97 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,162,548 to Castellani et al. in view of U.S. Patent No. 6,255,594 to Hudson et al. *Id.*

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**REJECTION UNDER 35 U.S.C. § 102(e)**

The Examiner maintains the rejection of claims 53-67 and 83-99 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,339,189 to Caimi et al ("Caimi").

Applicants submit that Caimi does not disclose each of the limitations of Applicants' claimed invention (as amended). M.P.E.P. § 2131; *see also Electro Med. Sys., S.A., v. Cooper Life Sci., Inc.*, 32 U.S.P.Q.2d 1017, 1019-20 (Fed. Cir. 1994). For example, Caimi fails to disclose, expressly or inherently, "wherein said first inner layer does not comprise an effective amount of a fire retardant agent," as recited in each of Applicants' rejected claims. Caimi teaches, *inter alia*, that its inner layer comprises "an inorganic charge dispersed in the matrix, so as to provide substantial fire-resistant properties." Caimi, column 3, lines 40-42. In contrast, it is only Applicants' claimed outer layer that has fire retardant properties. Because Applicants' amendment of claims 53 and 83 renders the rejection moot, Applicants respectfully request withdrawal of this rejection.

**CONCLUSION**

In view of the foregoing remarks, Applicants submit that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

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Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: May 13, 2003

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APPENDIX TO AMENDMENT OF MAY 13, 2003

VERSION WITH MARKINGS TO SHOW CHANGES MADE

AMENDMENTS TO THE CLAIMS

53. (Amended) A fire-resistant and water-resistant low-voltage electrical cable comprising:

a conductor;

a first inner layer to protect said conductor against water, said first inner layer comprising a crosslinked or uncrosslinked polymer compound containing no halogen, wherein said first inner layer does not comprise an effective amount of a fire retardant agent; and

an outer layer comprising a blend of a crystalline propylene homopolymer or copolymer, a copolymer of ethylene and at least one  $\alpha$ -olefin optionally with a diene, and an agent having fire retardant properties, the ratio of the thicknesses of the outer layer and the inner layer being from 1 to 7.

83. (Amended) A method comprising passing electricity through a cable wherein said cable is a fire-resistant and water-resistant low-voltage electrical cable comprising:

a conductor;

a first inner layer to protect said conductor against water, said first inner layer comprising a crosslinked or uncrosslinked polymer compound containing no halogen, wherein said first inner layer does not comprise an effective amount of a fire retardant agent; and

an outer layer comprising a blend of a crystalline propylene homopolymer or copolymer, a copolymer of ethylene and at least one  $\alpha$ -olefin optionally with a diene, and an agent having fire retardant properties, the ratio of the thicknesses of the outer layer and the inner layer being from 1 to 7.

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